

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

BRIAN F. HOGAN

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07cv616-DPJ-FKB

CHRISTOPHER EPPS, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

This cause is before the court on Plaintiff's motion for summary judgment. The motion submitted by Plaintiff sets forth his account of the relevant facts and his reasons for believing that he is entitled to relief. However, it is not accompanied by affidavits or other admissible evidence establishing conclusively that he is entitled to judgment as a matter of law. Furthermore, the undersigned previously conducted a thorough review of the documents in this case in ruling on Defendants' motion for summary judgment and concluded that there are several material, disputed factual issues with regard to Plaintiff's due process claim. For these reasons, the undersigned recommends that the motion be denied.

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636; Fed. R. Civ. P. 72(b)(as amended, effective December 1, 2009); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 30th day of April, 2010.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE